

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

May 12, 2010

Chairman David Pruett called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Casasanta
Commissioner Hall
Commissioner Pane
Chairman Pruett
Commissioner Schatz
Commissioner Aieta
Commissioner Carragher
Commissioner Lenares

Commissioners Absent

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

A. Proposed DRAFT 2020 Plan of Conservation and Development Draft #3, March 24, 2010 – Chapter 126, Section 8-23. Proposed by the Newington Town Plan and Zoning Commission. Continued from April 28, 2010.

Chairman Pruett: This is a public hearing, is there anybody from the public wishing to speak for, on or against the ten year plan. Mrs. Lyons, good evening.

Rose Lyons, 46 Elton Drive: Last night at the Town Council meeting, Mr. Hayes, one of the principals in Hayes-Kaufman Developers once again come before the Town Council and stated his case for multi-family housing at the corner of Cedar and Fenn Road. At the previous town council meeting, he referred to high density housing in that area, he insists that there be no cost to the town and that the town would receive three hundred to four hundred thousand dollars in income. I'm confused by the terminology multi-family versus high density and would like to know the difference between the two, if there is any. It was my understanding that the developer was hoping to build off campus student housing for CCSU students which I thought was considered high density housing. Whether it be multi-family or high density I am in opposition to either as I have some questions and concerns that I would like answered. First of all, I live in a residential neighborhood and on the next street over from me, parents of a CCSU student bought a home for their children to live in while attending the college. It was not unusual for parties to be held at this off campus single home. I have no doubt that parties will be held at this off campus complex as well. Given the fact that this is private property, who is going to police the area. What impact is this proposed off campus housing going to have on our police and fire departments? Will university police

have jurisdiction or will it be an added responsibility for our police department? Is there a university fire department that will respond to fires, or will the New Britain paid fire department respond to fires in this complex or will our volunteer fire department have to respond adding another responsibility to their already huge job that they have, protecting us, the citizens here in Newington. Can the housing be restricted to students without children, if not, then there is the potential addition of children in our schools, thus placing an additional burden on our educational system. Is there any indication from the university that there is a need for this private off campus housing? I believe that I heard, either at a TPZ meeting, or some where else that you cannot restrict the high density housing that Hayes-Kaufman is proposing to student housing. If that in fact is so, and they can't fill the complex with students what is to stop them from filling the apartments with families? Another thing that is bothersome to me is, I would like to know whether or not you are bound by statutes to follow the 2020 Plan, or is it merely a guideline as to what you and we, the residents of the Newington would like to see happen in the town over the next ten years. Mixed messages are being sent by various people, and I would like a straight answer. Since the Town Council did not vote on the 2020 Plan last night, it appears that you cannot finalize your plan. I wish those who are on the TPZ or the Town Council who wanted the high density verbiage to remain in this document had voiced their concerns earlier. I once again thank you for the time and effort that you have put in going over this Plan, not just once but several times. Thank you.

Chairman Pruet: Thank you Mrs. Lyons. I'm sure if that development does come before the Commission all those questions will be answered and I hope that we can answer your other questions during our normal course of business. Any other persons from the public wishing to speak at this public hearing on the ten year plan.

Gail Bedrako, 12 Isabelle Terrace: Generally, I am pleased with the revisions made to the 2020 Plan and I think you for listening to some of us and incorporating the resident concerns that protected open spaces, trying to maintain Newington as an owner occupied medium density community, limiting building heights in the center of town, and most importantly to me, protected the residential neighborhood adjacent to the town center and Cedar Mountain. The revisions in the Plan will lead to responsible growth while preserving the character of Newington as a small New England suburban community. For that I thank you. However the 2020 Plan serves as a guide for future development activity and as a guide to improve the quality of life for current and future residents. As such, it provides a frame work for decision making. Before any decisions can be made on any residential or commercial development there is a major area of concern that needs attention and should be more adequately addressed in the Plan. That concern is the volume of traffic in and around the center of town. Responsible growth will lead to more people, more commerce, more prosperity, and more traffic. We cannot anything more out of the current roads around the center of town. As someone living in the area, and dealing with the traffic on a daily basis, I believe the problems of traffic are crowding upon us with a desperate urgency. Local residents such as myself as well as a multitude of non-locals who use Cedar Street as a convenient pass through all agree that the traffic situation in and around the choke point of Hawley Street and Cedar Street to Route 9, at key hours is unacceptable. Unless action is taken, the noise, the fumes, the pollution and the congestion, not to mention the safety hazards, will over shadow all of our efforts to develop our town center into an area where people want to linger, to shop and to dine, and it will contribute to the decline in the pleasantness and the safety of the surrounding neighborhoods. Expanding current roads is not the answer. Witness what happened with the expansion of Cedar Street. The result has been more volume of cars and more congestion than before. Any increase in capacity will only acerbate the problem and not solve it. And no, the busway is not the answer. It's not enough to build public transportation, you have to have a place for it to go, with jobs and activities on both ends, and

you must convince people to use it. Although the state planners continue to promote the busway to no where, simply stated, there's no draw and there is no demand. The goals of the 2020 Plan are to maintain and enhance a vital and useful and functional town center. Our center must be a place that welcomes walking, outdoor dining and can host community events that bring us together. It should be a place where residents can gather together, and move in reasonable freedom from environmental and safety hazards of motor vehicle traffic. We've made a statement that we want to maintain the small town character of our community. Many elements go into building that image, the level of traffic must be managed to be in harmony with that vision in order to produce the desired results. Currently, thanks to the DOT we have a highway running through the middle of our town and the exit and entrance ramps are the neighborhoods of Hawley, Ellsworth, and Maple Hill. In the 2020 Plan, we have to acknowledge the seriousness of this problem and strategically plan for solutions before the health of our community is sacrificed to the unrestrained flow of traffic by people who neither live or work nor shop in our town. Thank you.

Chairman Pruet: Thank you for your comments. Anyone else from the public wishing to speak? We had an e-mail from Mr. Ladd (inaudible) 101 Cottonwood Road, Newington. Do you want to read this into the record?

Ed Meehan: I think just acknowledge it, all the Commission members have it.

Chairman Pruet: Yeah, it's been copied and we appreciate his comments, and we will review them and thank him for his time.

B. PETITION 12-10 – Municipal Parking Lot, Market Square, Downtown Business Association, applicant, attention Val Ginn 15 Golf Street, Newington, Town of Newington owner, request for Special Exception Section 3.2.8 Special Events Farmer's Market, June to October.

Val Ginn, 15 Golf Street: Thank you. I'm very happy to say this is our second annual Farmer's Market, we have twelve farmer's coming this year. Last year we only had five, so I'm very impressed with the farmer's that I'm getting from Litchfield, Simsbury, Canton, New Hartford, Prospect. These are all a variety of farmers that are either selling a variety of organic fruits and vegetables, they will be selling some goat milk, and they are going to be selling maple syrup, and mums and flowers and a lot to accommodate our residents. So what is really neat is that I am trying to get Eagle Farms to sell some meat, but we're running into a little problem with electricity in the parking lot. But, as I said, as we continue on for the next year, I think we are going to be growing more than twelve farmers for next year, so we've covered with the Health Department, covered with Jeff Baron on the insurance, and we're all good to go, so if you have any questions for me, I'd be happy to answer them.

Chairman Pruet: Very good. Staff comments, Ed?

Ed Meehan: I think if you could tell the Commission this is going to be twice a week....

Val Ginn: Well, it starts, the kick off date is June 18th, Thursday, from 3:00 to 6:00 and then Saturdays from 9:00 to 1:00, and that is going to continue until the first week in October. I met, as to where we are going to situate these farmer's and they are ready to come, and so their thing.

Ed Meehan: We are proposing that as construction begins to wrap up on the west side that the location will be available in June on the drive as you come in from Main Street behind,

almost behind Steve's Place, in that corner. The contractor will be out of there by then, working on the east side, so that, along with the insurance for the Town Manager's office and the Certificate of Health on the farmers, if they are going to be selling meat, or anything like that, has to be approved by the Central Connecticut Health Department.

Val Ginn: There is also, according to Nancy Breault, they have to fill out a temporary food license because they are handling fruits and vegetables. They are cooperating with us, so we are all set. I just hope you come down and visit.

Chairman Pruet: Commissioner comments?

Commissioner Aieta: It seems like you were just here from last year. Can we do what we did with the car show, maybe, extend this so that she doesn't have to come in every year, as long as she passes it through the Planner's office and he can work out these details.

Val Ginn: On the Waterfall Festival, you gave it three years.

Commissioner Aieta: Yeah, I think we should do the same thing with this, too.

Chairman Pruet: This is something that is probably going to be on-going?

Val Ginn: Yes.

Chairman Pruet: It was very successful.

Val Ginn: Yes, it has been.

Chairman Pruet: Yes, so that is a good point, and the consensus on that....

Commissioner Casasanta: I'll second that.

Commissioner Hall: Did you say the kick-off was the 19th of June?

Val Ginn: June 18th, Thursday.

Commissioner Hall: Well, that would be the 17th, then.

Val Ginn: I'm sorry, the 17th.

Commissioner Hall: So it is that Thursday?

Val Ginn: Thursday, and the great thing about these farmers is that they still come if it is pouring, so no rain date.

Chairman Pruet: Very good. Thank you. This is a public hearing, does anyone from the public wish to speak for this Petition? Anyone body wishing to speak against it. Okay, we are going to close this and enter it into Old Business and vote on it tonight.

C. PETITION 08-10 – 44 Pane Road, Michael A. Gronski applicant, 54 Pane Road LLC owner requests amendment of Special Exception PETITION 7-98 February 25, 1998, conditions of approval, PD Zone District.

Chairman Pruet: Is the petitioner here? Mr. Gronski come forward please and state your name and address for the record.

Michael Gronski, 30 Harmon Court, Newington: Let me pass these out. 44 Pane Road currently has a used car dealers license with restrictions that prevent them from selling cars and doing repairs on cars for whatever reason back when that was passed. I have a prospective tenant who is in the livery business. He has stated that he has some caravans and some town cars, that sort of thing, that he uses to transport school kids back and forth to school, and he does his own repairs. His primary business is the livery but he does his own maintenance and repairs on his vehicles, he's like to be able to change that to allow him to do the repairs there, also to sell used cars, which is not his primary business. It's a limited thing, he just wants to be able to do that if he comes across a vehicle that he wants to display to sell.

Chairman Pruet: You say he wants to have a retail, sell these on a retail basis?

Michael Gronski: He wants to have it for a retail basis, but it's a very small part of his business and I say, it might be roughly a dozen cars a year. It's not going to be a used car dealership, it's a livery business as his primary business.

Chairman Pruet: The repairs will be strictly on his own vehicles?

Michael Gronski: His own vehicles, he tells me that on occasion he does a customer vehicle, but again, his primary business is the livery business and the maintenance of the livery vehicles.

Chairman Pruet: And what do you think his hours of operation will be?

Michael Gronski: I would have to assume school time hours, six a.m. to maybe five p.m. with the livery business.

Chairman Pruet: Ed, comments?

Ed Meehan: First, the Commission knows that auto related uses were deleted from the regulations a couple of years ago, and the Commission at the time that it was removed felt that there was a sufficient amount auto related uses in the community serving the needs of the public and business interests, so that was taken out. This applicant is asking for an amendment to an auto related use area that goes back to 1998. It was approved at the time for a use that was restricted basically for truck detailing and truck servicing, Middlesex Truck and Van was the business at the time, and the site, it is a small site, it's limited because of its narrow frontage and it's a deep site, but narrow frontage and there is a copy of the site plan that I made for Commission members. It has limited parking near the front on Pane Road. The, I guess the issue here is how much is going to happen on this site in this small area. I know that there is another livery service for school use, I think it's the other end of Kelsey Street and that has a lot of vans in there, I have seen that, so I don't know if it is the same business or what the situation there is. That is going to cause some parking issues and moving some vehicles around inside the site, and as the applicant, Mr. Gronski mentioned, morning trips in and out, afternoon trips in and out. The issue of display and sale was addressed at that time, back in '98 by the Zoning Board of Appeals. At that time you had to

get a certification of location from the Zoning Board of Appeals and then come to TPZ. The applicant before the ZBA said that he didn't need this site or didn't want to use the site for display and sale of vehicles, so it was clear when it came to Planning and Zoning from what ZBA's restrictions were that there was to be no display of cars and TPZ just reinforced that. I think the issue here is going to be two separate businesses and the activities of the two separate business, the livery business and then selling used cars. I would recommend that the Commission consider amending these conditions that it carefully control the location and display of any used cars. It becomes an enforcement issue if it is not clear. There are other used car dealers further up Pane Road, there are some other places in the community, so this is an extension of the existing special exception, but it adds more uses to the site, auto related uses, livery, now used cars so I think it needs to be looked at a little bit. I don't know if the Commission members had a chance to go by and check it out, but I would be interested to know where the cars are going to be stored, I didn't catch how many would be stored, items like that should be part of the record that the Commission would have knowledge of when they consider this.

Chairman Pruet: In your opinion, does it meet the regulations back in '98 to go ahead and do that, two businesses and repairs and sales?

Ed Meehan: Not without an amendment to your 1998 special exception which limited to Middlesex Truck and Van and the ZBA members, and I believe this Commission was told at the time that the business was going to put cabs on the back of vans and outfit the vans, I believe primarily for one of the utility companies in the community and it would be a limited use at this site. This use that Mr. Gronski is asking for is going to expand the activity on this site. Livery is going to have certain times a day where you have drivers bringing their cars in and then taking the livery van out so you have got X number of parking spaces, how is that all going to work? I don't know how many livery vans he is talking about. He hasn't told the Commission that, and as I say, he is going to ask for a used car display, where is that going to occur on this site plan? Is it going to be five cars, three cars, what are we getting into?

Michael Gronski: Can I answer, can I address the used car, there are three or four spaces in the front that we would be more than happy with, for spaces for cars to sale. It's not like he is a used car lot, we're not looking to make a used car dealership here, we're looking, it's a side of his business, again, three spots would be more than adequate for what he is looking to do and I would venture to say that one or two would be the most that would ever be out there at a time.

Chairman Pruet: Okay. Commissioner comments?

Commissioner Pane: Mr. Chairman, I recall the business that was in here previous. I was on the board then and the reason was, that we didn't have the sales was that the business back then didn't need the sales and so we left it out, and it was a very tight site. I did go over and I did look at the site here, and there is plenty of room in the back for plenty of parking, and the applicant is correct. There are four spaces in the front and I would imagine the reason the tenant is looking to get the sales is because he turns these vehicles over and every once in a while he is probably going to want to sell his own vehicle and then put his new one back in his fleet, and so that is why I would imagine that he is going to need this amended, so he can just replace his fleet and probably runs into a vehicle every now and then because he is in the business. I feel comfortable allowing two spots in the front out of the four spaces there, I don't think that is unreasonable. I don't think it is a major part of his business. Just wanted to get that set for the record, Mr. Chairman. Thank you.

Chairman Pruet: Additional comments?

Commissioner Aieta: Ed, explain to us what happened when they took the auto related uses out of the regulations and how it affects this use and how it is permitted when we have that out of there, because there are other people looking, there is another thing on the agenda for, I just want to be clear on how they took it out. I know that this is grandfathered, or it already goes with the property, right?

Ed Meehan: It's considered a legal non-conforming use because of the change in the Zoning Regulations and so all of the uses that were active at the time the amendment was made effective automatically became legal non-conforming uses.

Commissioner Aieta: So our action on this does not jeopardize what has already been taken out of the plan.

Ed Meehan: That's correct. It's been taken out.

Commissioner Aieta: So anything new cannot.....

Ed Meehan: You can't have new sites, new locations, this is an existing site.

Commissioner Aieta: I just wanted to be clear, and have the Commission be clear if there are other things coming up.

Ed Meehan: And because of the conditions that were imposed at staff level, we just can't say, okay, we're going to sign a new motor vehicle certificate because the conditions were very specific to Middlesex Truck and Van. I guess, a follow-up question, I don't know if Mr. Gronski knows this or not, how many livery vans would be at this site.

Michael Gronski: Possibly twenty.

Ed Meehan: Twenty. Well, I see fifteen parking spaces.

Michael Gronski: That map, Mr. Meehan is kind of, it's what it shows, but there is much more room there than on the map.

Commissioner Pane: Plus, I'm sure he is going to have a few inside the building.

Michael Gronski: My property abuts this one, he could use part of mine, but there is more than enough room than, the map is.....

Commissioner Pane: I saw more than fifteen parking spaces.

Michael Gronski: Easily, even though the map doesn't show it, but there is more.

Chairman Pruet: I think you are going to have to get more information on exactly how many spots are out there and his intentions too, we need more information on this. We just can't say fifteen, we need to know how many.

Michael Gronski: He has, I even put on the paper there, he has twenty vehicles that he uses on a regular basis.

Chairman Pruet: But we need to know how many are going to fit in there.

Commissioner Pane: Well, there are fifteen parking spots on the site, and then the building, you could probably put over twenty cars inside of the building.

Michael Gronski: When Middlesex Truck and Van was doing their utility work for the utility company that you mentioned, there were sixty vehicles parked in the parking lot, easily. I mean, the phone company back then, and there was plenty of room to maneuver. So there is more than enough space.

Chairman Pruet: Further Commissioner comments?

Commissioner Schatz: My concern basically and I was here when this was taken out, is that if you have some vehicles that are down, and not running, what, I mean, we don't want to create a junk yard, okay? I mean, that is probably the bottom line with me, not to be a junk yard.

Michael Gronski: I don't know if it matters to the Commission or not, but I think if you have ever seen my operation, and how I operate, this would be the same way. I will not allow a junk yard, or parts, or it's just not going to happen with how I do business.

Commissioner Schatz: But see, I've been to the same dance, and we've had problems, so I'm just looking to protect the town from another junk yard at the other end of town.

Commissioner Camerota: Could you be more specific on the hours of operation? I know you said, four or five because of school.....

Michael Gronski: School related, yes.

Commissioner Camerota: But is he going to want to sell, or repair on the weekends or later in the evening?

Michael Gronski: No, there isn't going to be any weekend hours, no retail hours, anything like that, it will just be during his normal operational....

Commissioner Casasanta: I agree with the Chairman's comments, actually because I would like to have a clearer understanding as to where, between the twenty vehicles there plus the (inaudible) you are talking almost two dozen vehicles, exactly where they are going to be kept on the property, whether inside or out plus if they are kept inside how much room does that leave for the maintenance work to be done, so I would like clarification on those points.

Commissioner Pane: Mr. Chairman, just to help with Bob, at the same time that I visited this site, 44 Pane Road, I took a look at Mike's yard and I would advise some of the Commissioners to go down there. There is absolutely no junk down there. It's impeccable. He takes care of his property extremely well, and now he's cleaning up 44 and he's purchased the building there and I think he is doing an excellent job cleaning up the property and I did visit down there, there is plenty of parking in the back, and the building will hold quite a few vehicles. Just so that the Commissioners can feel comfortable.

Commissioner Schatz: I've seen the building, on the outside, I'll take another ride down

Chairman Pruet: Further comments?

Commissioner Lenares: I'd have to agree with Commissioner Pane and from what Mr. Gronski said, the drawing really does no justice for this piece of property. I actually visited

this site, it can hold a lot of cars and that building can hold a lot of cars. I know that it is mapped out at fifteen here, but it seems like it can fit so many more cars if they are positioned, or just put in different areas, but the way that it is laid out here really does no justice and Mike, you really should take a drive down and check it out, it's pretty big. This drawing does no justice for that lot, so I would have to concur with Commissioner Pane.

Chairman Pruet: Any other comments?

Ed Meehan: If I could just make one observation, I'm not sure based on what we are hearing how the accuracy of this drawing portrays the site. It's supposed to be, according to the map, an A-2 survey, but be that as it may, I would recommend that, I know that you have been cleaning up on the east side of the building, behind the stockade fence, that that curb cut, if there is a curb cut there not be opened. This site should only be served by one curb cut.

Michael Gronski: On the east side, no there won't be, definitely not.

Ed Meehan: Okay, I think that is a good safety issue, thank you.

Chairman Pruet: Any other comments? We will hear from the public now. Thank you. Is there anybody from the public wishing to speak for this Petition? Anybody from the public wishing to speak against this Petition? Seeing none, what is the pleasure of the Commission to leave this open to gather some more information, or.....

Commissioner Pane: I think we should close it Mr. Chairman, I think we have enough information.

Commissioner Camerota: I think we should leave it open in case people have more questions after they go and visit the site?

Commissioner Anest: How does Ed feel about the parking spaces? Do you feel that there is going to be enough with the twenty?

Ed Meehan: I would like to, and you don't have to keep it open for me, because I can bring my comments in if the hearing is closed, take a look in the back, just to see a little bit better. I know that it is a deep site because it goes back to Raymour and Flannigan.

Commissioner Pane: Mr. Chairman, if Commissioners go down and look at it, and they come back, just like the Town Planner, we don't have to have the Petition open for that, correct?

Chairman Pruet: That's correct.

So what are your feelings about keeping it open, or closed? Closed, okay. We are going to close this petition.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. MINUTES

April 28, 2010 – Regular Meeting
April 28, 2010 – Special Meeting

Commissioner Pane moved to accept the minutes of the April 28, 2010 Regular Meeting. The motion was seconded by Commissioner Anest.

Commissioner Hall: On page three, the big paragraph, about three quarters of the way down, it's the Haltner Farm, it's listed as the Haltman Farm. Haltner. On page five talking about the Deming-Young Farm, I think that was about '98, it's listed here as '94, I think it was '98.

Commissioner Anest: That is what was said on the record though.....

Commissioner Hall: What?

Commissioner Anest: '94.

Commissioner Hall: I know that is what it says, but I think it was '98 because I was on the Council at the time and I didn't get on the Council until '97.

Commissioner Pane: But we can't change what the person said, we can make a correction to the word, but not to the date.

Chairman Pruet: We'll review that, and if we need to make an addition, we will. Thank you.

The motion to approve the minutes of the April 28, 2010 Regular Meeting passed unanimously with seven voting YES.

Commissioner Schatz moved to accept the minutes of the April 28, 2010 Special Meeting. The motion was seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: You are all invited to the annual Economic Development Commission Newington is Open for Breakfast, it's free, May 21st at the Indian Hill Country Club. There is an interesting speaker, timely I think, so we hope you can make it and spread the word to other neighbors and friends. We are looking for a good turnout. Bring some questions, find out how our state budget is from the Comptroller.

Chairman Pruet: So you are looking for more people to come?

Ed Meehan: The more the better.

Chairman Pruet: And we would contact who?

Ed Meehan: Contact our secretary here, Cindy.

Chairman Pruet: Very good. Anything else, Ed?

Ed Meehan: Just to give you a quick update on the municipal parking lot, we are going to move forward with Phase II, the east side. The Town Council authorized that, it's in the

budget starting July 1st. We've got a request for proposal out to retain a design engineer for Market Square, RFP's are due tomorrow. We hope to start working with the businesses and property owners on Market Square once that engineer is on board, and over the summer come up with a design where we can bring forward in the fall. The east side is starting, the west side will wrap up within two weeks with final paving and some tune up, stripping and cleaning up the landscape, so that project is moving right along.

VI. NEW BUSINESS

A. PETITION 10-10 – 337 Willard Avenue, Chef's Dog House, LLC applicant, Ramraj LLC owner, request for seasonal outside seating at existing restaurant Section 3.11.6 (7-11 Plaza,) Mark Jannetty, 1596 Waterbury Road, Cheshire, CT 06410 contact. B-Zone District.

Angela Jannetty, 1596 Waterbury Road, residence, 337 Willard Avenue, business. I have never done this before, so I'm a little nervous but we just open Chef's Dog House, and I don't know if anybody has been there but we'd love to see you all soon. We just want to add, have three little tables in the front, and we brought a photo, and it doesn't show that great because there was some rain, but we're right there behind 7-11 and behind the liquor, the package store, and there is a patio and mostly it's for attraction. Of course people will sit out there and have their hot dogs, but I know it's really not a great location, because we are kind of tucked in the corner, and we don't get drive-by on the road. People don't really notice us and we're hoping if we have a couple of people out there, people will look to see what is going on, and it will help us with our business. The owner of the building is completely fine with it, it won't impede any traffic. The businesses that are there don't walk past us. There is parking that goes all the way around, so each business, liquor store people park there and walk in, and that is pretty much it.

Chairman Pruet: Ed, staff comments?

Ed Meehan: This is a very small seasonal addition to this establishment, a new establishment. This are used to be the Pizza Barn years ago, so it's a pre-existing restaurant for many, many years and I would say, they give you a little sketch, and it doesn't impede the people going in and out, it doesn't impede other tenants, and it's something that we hope will make a positive business impression there if they are able to do this.

Chairman Pruet: Commissioner comments?

Commissioner Schatz: I've been there already. I like hot dogs. It's very well hidden down there though, that's the major problem that I could see from people going by on Willard Avenue. I personally don't see a problem with this. There should be a way that they could be more visible.

Ed Meehan: They could take advantage of the Commission's grand opening signage and special signage for a period of time, if you would like to do that. There is a pylon sign out front, that would let you have a presence on that pylon sign.

Angela Jannetty: That would be wonderful. Thank you.

Commissioner Schatz: A very nice restaurant, very clean, well kept.

Angela Jannetty: We intend to keep it that way.

Commissioner Aieta: This is such a small petition, and it's not obtrusive and the comments around the table are such that it looks like it is not a big deal, I think we should move this to Old Business and act on it tonight so that they could get going. To hold this up for another couple of weeks is ridiculous.

Chairman Pruet: Any other comments? Okay, we are going to vote on this tonight.

Angela Jannetty: Thank you, appreciate it.

- B. PETITION 11-10 – 3465 Berlin Turnpike, Sam's Club applicant, Newington-Berlin Retail, LLC request for Site Modification to conduct outside seasonal garden sales area, Kevin Lawrence Sam's Club 3465 Berlin Turnpike, Newington, CT 06111 contact. PD Zone District.**

Chairman Pruet: Is the petitioner here from Sam's? Okay, the petitioner is not here.

VII. OLD BUSINESS

- A. PETITION 05-10 – The Hidden Vine Restaurant, 1052 Main (rear) Motta Investments owner, Salvatore Motta 12 Cumberland Place, Rocky Hill, CT 06067 applicant, request for seasonal outside dining, Section 3.11.6, B-TC Zone District. Sixty-five day decision period ends July 2, 2010.**

Commissioner Hall moved that PETITION 05-10 – Hidden Vine Restaurant's request for outside patio seating be approved for a maximum of 20 persons.

It is a condition of this approval that the patio seating be enclosed with a decorative fence to separate public sidewalk from private property area.

The motion was seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion, with seven voting YES.

- B. PETITION 06-10 – 425 New Britain Avenue, Unit A, Rotundo Enterprises LLC owner, Burim and Elmedina Hasani 75 Seymour Street, Bristol, CT 06010 applicant, request for Special Exception Section 3.11.6 Restaurant use, B-Business Zone District. Sixty-five day decision period ends July 2, 2010.**

Commissioner Pane moved that PETITION 06-10 – 425 New Britain Avenue, Unit A, Rotundo Enterprises LLC owner, Burim and Elmedina Hasani 75 Seymour Street, Bristol, CT 06010 applicant, request for Special Exception Section 3.11.6 Restaurant use, B-Business Zone District be denied, the Commission finding that a restaurant at this location would not have adequate parking because:

1. The Commissioners have observed that during the afternoon peak hour the parking lot is now fully occupied.
2. The building's existing tenants are all personal business uses that provide services that require customers to stay longer reducing parking space turnover.
3. Town staff reported vehicles parking in the "no parking" area and employees parking at adjacent property indicating possible insufficient available on site parking.

The motion was seconded by Commissioner Camerota. The roll call vote was unanimously in favor of the motion to deny Petition 06-10 with seven voting YES.

C. Petition 12-10 - Municipal Parking Lot, Market Square, Downtown Business Association, applicant, attention Val Ginn 15 Golf Street, Newington, Town of Newington owner, request for Special Exception Section 3.2.8 Special Events Farmer's Market, June to October.

Commissioner Camerota moved that PETITION 12-10 – Municipal Parking Lot, Market Square, Downtown Business Association, applicant, attention Val Ginn 15 Golf Street, Newington, Town of Newington owner, request for Special Exception Section 3.2.8 Special Events Farmer's Market, June to October be approved with the requirement that the applicant comply with the Town of Newington Code of Ordinances for special events and provide to the Town Manager's office acceptable Certificate of Insurance.

Prior to the first Farmer's Market in June, the applicant shall coordinate with the Town Planner the set up location within the municipal parking lot based on the progress of construction work.

The motion was seconded by Commissioner Anest.

Commissioner Casasanta: I would like to amend the motion to include that this Special Exception be permitted through 2012.

The amendment was seconded by Commissioner Pane.

Chairman Pruet: We have an amendment that was seconded. The vote was unanimously in favor of the motion, with seven voting YES.

Commissioner Pane: Mr. Chairman, I make a motion that we add Petition 10-10 337 Willard Avenue Chef's Dog House to Old Business.

The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

**Petition 10-10
337 Willard Avenue
Chef's Dog House**

Commissioner Anest moved that Petition 10-10 337 Willard Avenue be approved for three (3) outside seasonal tables as presented to the Commission, May 12, 2010.

The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion, with seven voting YES.

D. Three Angels Seventh Day Adventist Church, 580 Church Street vs Town of Newington, Town Plan and Zoning Commission, proposed Approval of Settlement Agreement.

Commissioner Schatz moved that the Town Attorney, Ben Ancona be authorized to resolve Three Angels Seventh Day Adventist Church's appeal of Special Exception Petition 28-09 which denied the Church's request to eliminate the steeple, to eliminate the roof skylights and change the pass door at the northwest corner of the building to a window.

The Commission approves the settlement of this appeal based on the following:

1. The steeple will be eliminated and in its place a cupola will be placed at the center of the roof. The cupola will be similar to the design shown on Exhibit A.
2. The building elevations are approved in accordance with the elevations dated June 11, 2009.
3. The Commission upon confirmation of the Court's approval of the proposed settlement stipulation with issue a Special Exception to Three Angels Seventh Day Adventist Church.

The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion with seven voting YES.

VIII. **PETITIONS FOR SCHEDULING** (TPZ May 26, 2010 and June 9, 2010)

- A. Proposed 2020 Plan of Conservation and Development Draft #3, March 24, 2010, Chapter 126 Section 8-23 Continued from May 21, 2010.
- B. PETITION 13-10 – Zoning Regulations Amendment Section 3.11 Special Exception Permitted in B Business Zone and Section 3.19 Special Exceptions Permitted in PD Planned Development zones to permit “auto related uses such as, sale, service, retail and repair of motor vehicles by Special Exception subject to compliance with Section 6.11 of these regulations” Wex-Tuck Realty, LLC, applicant represented by Attorney Vincent F. Sabatini, 1 Market Square, Newington, CT 06111. Referral to Capital Region Council of Government and Central Connecticut Regional Planning Agency required.
- C. PETITION 14-10 – Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Zone Map Amendment R-12 to B-TC Business Town Center. Schedule for June 23, 2010.
- D. PETTITION 15-10 - Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Site Development approval Section 5.3 for construction of 2,500 sq. ft. bank. Schedule for June 23, 2010.

Chairman Pruet: I read the first one, Ed.

Ed Meehan: Item B, is an example of an amendment to the regulations. This has to go to the regional planning agencies so I didn't recommend a public hearing date, you have to give them thirty days notice. That referral was already initiated so I would think you would have a response back from CCROG and Central Connecticut RPA by your second meeting in June. I can give you a little background on this because in addition to amending the regulations Attorney Sabatini is representing an applicant and the site is on the Berlin Turnpike. But in order to use the property as we discussed earlier in the meeting we need a policy change by the Commission to put this back in the regulations. That's what that one is about.

Petition 14-10 is a zone map amendment for the applicant, Reno Properties but it's for the Liberty Bank site on Main Street. They withdrew over the winter, they're back with that plan so there is a companion site plan that goes with this application. They have Inland Wetlands approval already for the wetland impact part of their site. So, I put down June 23rd, it's up to the Commission as to how you want to do this. Not knowing what work load you still might have left in the Plan of Development I put this out a little farther. You still have sixty-five days from tonight to hold your public hearing, so if you want to let this ride for a while before you have the public hearing, or how you want to do it.

Chairman Pruet: Any comments on what you want to do? Maybe get the 2010 Plan out of the way before.....okay, we'll leave it out there.

IX. PUBLIC PARTICIPATION

(For items not listed on agenda)

Joan Bier, 136 West Hartford Road: This is right on the corner of West Hill and West Hartford Road so I'm sure most of you have gone by and some of you have actually been through the property. I don't know if this came up before because I was a little bit late to the meeting, but you are all to be commended for listening to the public, making the necessary changes to that Plan that you were all talking about so that in the end developers can't use it to come back and bite us with it. I also want to just advise the Town Planner to think about putting some road through between Willard Avenue and Fenn Road because that, even without the high density housing with the construction of the new transportation, busway, it's going to create more of a hassle for those of us who live on the residential street of West Hill Road, which was designed as a residential street, it's not designed to be a super highway like Cedar Street. So between Cedar and West Hill there is really no through street and I can envision, I can't get out of my driveway now, so I can imagine that it is going to get even worse. Just with the Woodlands Housing project we added a whole bunch of cars, so be aware of that, and I know that it's not an easy fix because you have the railroad tracks, you are going to have the transportation center there, but somehow, before it is all developed give us some relief in that area. So be thinking about that, and again, thank you for all of your hard work and especially for, I'm a former government teacher, for listening to what the public had to say and taking out some of that high density housing which will change the flavor of Newington forever.

Chairman Pruet: Thank you for your comments and staying. Further comments from the public?

Rose Lyons, 46 Elton Drive: I just noticed Chairman Pruet mentioning the Zoning Enforcement Officer was here tonight, I would like to ask you once again to please do whatever you can to change whatever ordinances we have on record now to make it more strict in enforcing the blighted property ordinances that we have in town. I have spoken before to I believe you, and the Town Council that not only myself but a lot of my friends, neighbors and relatives are concerned about property, not only residential but commercial properties here in town that apparently have been let go and although you have been on there, to take care of their property and bring them up to what we consider to be acceptable, it's not possible because of the way that the ordinances are written, and your hands are kind of tied in a couple of areas. There are properties that I know of on Dowd Street, there is a property on Dowd Street, there is a property over on the corner of Chapman and Summit Street, and many others around town that have fallen into disrepair and there is not much that you can do about it. I'm hoping that in the months to come that the Town Attorney, the Town Manager, the Town Planner and the Zoning Enforcement Officer, and the public maybe can have some input into what can be done about blighted properties in town. Thank you.

Chairman Pruet: Thank you Mrs. Lyons, Yes, we are working on that with the Town Attorney and we are going to proceed forward as quickly as we can.

X. REMARKS BY COMMISSIONERS

Draft 2020 Plan of Conservation and Development (POCD)

Chairman Pruet: Any discussion on the ten year plan? Any comments on that at this time?

Commissioner Casasanta: Thank you Mr. Chairman. At the last meeting I had made a comment that I thought some of the language in here was more regulatory than a, as a plan for policy, looking to the future and I just wanted to share with the other Commissioners a couple of the comments that I had regarding that just so that everybody understands where I was coming from. The first thing is, on page 4, under the Authority for the Plan, where we talk about putting the notice in with the tax bills. I understand what was trying to be accomplished here and I don't disagree with what is trying to be accomplished here because Lord knows, whenever we can communicate better with the public, I'm all for that. I think we should do everything that we possibly can to communicate as effectively with the public as possible. So I don't want to give anyone the wrong impression here, but I guess the concern that I have with this is, is it's kind of twofold. Number one, this is an advisory document, it's a policy guide, but this sounds more like a procedure, and a procedure really doesn't belong in a policy guide. The other concern that I have with this too is, I'm not sure exactly sure how doable something like this might be in the sense that, because it says that it shall be sent in with the annual tax bill, if we were to follow this, we would have to have the tax bills go out at the end of June, beginning of July, we would have to have the first public hearing on this probably our first meeting in July, I would think, if I understand this correctly. So I'm not exactly sure how feasible something like that might be. The other part of it too, even if this were implemented, this wouldn't be impacting us. This would be impacting whoever is on the Commission ten years from now, and I certainly don't have issues with us putting standards on ourselves, but imposing something like that on some of us who may not even be sitting on that Commission at that point in time, I'm not sure exactly how fair something like that might be, so again, that's just some thoughts in that regard.

On page 9, where we talk about the plan discouraging any change from industrial, changing the zoning and changing the vacant land as currently zoned, not change to a higher density. I guess I have more of an issue with the language in the sense that it's the, it's the shall discourage part, I guess is what bothers me the most out of this whole thing. Again, my concern for this plan is to keep it as flexible as possible and to not have anything set in stone and I just feel as though that people can interpret it as though it is being set in stone and I didn't want, I just wanted to alleviate that impression, however possible. So that was my concern with respect to that.

On page 11, I don't mean to beat a dead horse here, but I still have a problem with this land use chart. My concern is that, where we talk about the different land use types, and down at the bottom we have you know, the acreage that we are saying is developed and over on the side of the page where we talk about developed land, we say developed land, land that is building structures, or improvements used for particular economic or social purpose such as residential or institutional. I guess my issue is that in this category of developed land of 7,698 acres of developed land, we have almost 900 acres of open space. And the open space doesn't meet that definition of developed, so I think it is just kind of, I don't know, maybe it's just me, but I just have a problem lumping the open space acreage in with developed land acreage. That's my concern with that one.

Then, on page 32, where we talk about the maximum building heights in the town center, again, my concern here is that we want a plan that is strategic in nature, and again, we don't

want anything set in stone and it's my concern that with the way that it is written that it could be interpreted that way, and again, I don't think we should have a plan here that has anything that specifically is set in stone. Then on page.....

Chairman Pruet: If I could just, what are you looking at, I don't quite follow you.

Commissioner Casasanta: Maximum building heights.

Chairman Pruet: What would you think would be appropriate?

Commissioner Casasanta: I'm not sure, honestly, I don't have like, I honestly don't have a specific suggestion as to how to rephrase that. Maybe it's just me, maybe it's just the way that I am reading it, again, it has nothing to do with maximum building height per se, it's just that, if something, if there should ever be a need at some point, down the road, where we may need a building that is more than three stories high, whether it be in the town center or somewhere else, I just didn't want us to lose that kind of flexibility.

Commissioner Pane: Well, that's the point, we don't want anything higher than three stories because we want to keep Newington as a nice, small town community.

Commissioner Casasanta: Well, I can understand that.....

Commissioner Pane: This has been going on for years and years, this goes back twenty years.

Commissioner Casasanta: I have an example that kind of illustrates my point. Again, this is just purely a hypothetical example. It has nothing to do with anything that has been or even may be brought to this Commission at any point in time. My example is this, let's assume for the sake, we already know right now, and actually what gave me the idea was back on, I forgot what page it was, where we talk about the senior housing. We already know that we have a need for senior housing at the moment. Let's assume, here we are in 2019 where the need for senior housing has grown exponentially and people have looked at and tried to come up with various different scenarios and various different ideas as to how to properly address the situation, and the best solution that people can come up with is something like the Market Square Apartments. The only logical or the only feasible place to put it would be somewhere on Constance Leigh Drive, assuming that the land would be, again, this is purely hypothetical, and there was tremendous public support for something like this because the need was so great. With the way that the Plan is written, between the high density restrictions, the maximum building height restrictions, the changing zoning restrictions, something like that couldn't even be entertained, never mind be discussed, and I just want us to be able, and I'm not saying that we even have to do something like that, but I just want us to at least be able to, if a need should arise, and we don't know what our needs are going to be, that's the whole issue, we don't know what our needs are going to be ten years from now. To say something that absolutely we can't do this, or we should do this, or we shouldn't do this, I don't think that belongs in a strategic plan. I mean, that we can address with regulations or what have you, but I don't think that belongs in a strategic plan. That's my issue and that is my concern. Again, I don't want us to lose flexibility should the need arise, because we don't know what our needs are going to be ten years down the road. That's pretty much it. Thank you.

Chairman Pruet: Thank you. Any other Commissioner comments? Just a few things I would like to say, I agree with Mike on a couple of things here, I think we can do something on the tax to make it more, if it is doable, if everything lines up properly, and if there is, the

dates and if it is physically possible to do that, yes we can make that a little more flexible and less of a mandate. Again, the point was, we would like to err on informing more to the public and if we can do that, that's fine, and if the town can't do it, that's understandable too. It was just a

Commissioner Pane: We've got nine years to plan for it, so maybe we can make it happen.

Chairman Pruet: And also too, in regards to, right now it's before the Town Council and what I would like to do, in my opinion, is wait until we get a response from the Town Council, see what they have to say about it, before we make any modifications or changes to the plan. It's not that I'm trying to stall, it's still open, but I would like to see what they have to say on this, and then we would bring it up to the Commission and come to a consensus.

Commissioner Pane: I think that is a good idea, Mr. Chairman, to wait for a formal report from the Council.

Chairman Pruet: It could be formal, it could be informal, but I'm looking for some information.

Commissioner Pane: Some information in writing from the Council so that we can look at everything and they had a couple of good ideas and we can look at everything once we get it from the Council.

Chairman Pruet: And again, we're not putting a stop watch on this, it's a very important plan, I'm very much interested in hearing what everyone has to say, we've got excellent comments here from this Commission, we've done a yeoman's job on that and I think now the Council will do a yeoman's job getting us their input and what direction we should have. Anybody else wish to comment?

XI. STAFF REPORT

Zoning Enforcement Officer Remarks

Chairman Pruet: Everybody, this is Art Hanke, our Zoning Enforcement Officer and thank you for coming tonight Art. We would like to, if maybe you could give us a run down on the report itself, how you go about doing it, and maybe answer some questions that the Commissioners might have.

Art Hanke: The report is basically done on a monthly basis and what it does is highlight some of the complaints that have been received within the month and the subsequent investigation of the complaints. As you can see, it is all put in capsule form, and it basically gives you, so to speak, bullet points of what was investigated and what was determined to be either resolved, unresolved, continued or continuing to work on it.

Ed Meehan: The only thing that I would add to that is behind this report, by street address, is a chronological history of other violations that may have occurred over the last four or five years that are part of our enforcement permit record. The software we have ID's each address and would get a rather voluminous report, so you would see, 84 Dowd would be an example, something happened at 84 Dowd back in 2004, Art may have inspected and resolved there, since 2004, and some times that is misleading, so the last couple months, we have boiled this down to a more concise report. We still keep the background records though, we want to know what is going on at that address, and for the Commission members

who have been on the Commission for several years, a lot of these addresses keep popping up, so that is why we keep the historical information.

Chairman Pruet: Art, what do you need to help you with, what kind of regulations or suggestions that would make your job be able to enforce these.....do you have any suggestions?

Art Hanke: I was of the opinion that the Town Council, excuse me, the Town Attorney was working on a couple of things to enhance the enforcement process and as of yet, I haven't seen them.

Chairman Pruet: Anything specific that you might like to see or, language, or.....

Art Hanke: Language is one thing, and trying to implement it is a much different thing. The implementation, as everyone knows, is usually, if you can't achieve compliance through some sort of either coercion or some other method, to get the person to comply with the regulation, then you are forced into legal action. Legal action is a pretty slow process, as everyone knows. There are some short circuits that one can use, but that is up to the Town Attorney, if he chooses to use these methods. I wouldn't pretend to suggest to him how he wants to do it.

Ed Meehan: I think what we have seen, and Newington is not unique, is that zoning is only one part of the quality of life tools that a community has. We've got our blighted ordinance, building ordinance, which only pertains to vacant buildings, so it's got a lot of shortcomings, and that has been discussed quite a bit by staff and the Town Council and that is something that Ben Ancona is working on, the property maintenance ordinance which would be the purview of the Town Council to adopt, but some of the examples that we talked about we've seen some other communities use. It's much broader, it's adopted under the statute 8-148 of the Municipal Statutes so the Town Council has the authority on that and we can go after things that aren't the purview of zoning. The quality of somebody's property if the grass hasn't been cut and it's three feet high, or if it's just littered with miscellaneous broken items, or maybe the condition of the building, it's an occupied building and the gutters are falling off, or the screens, or something like that. Those are not under the guidance of zoning, so that is another tool that we really need. Another issue is the junked car ordinance. It was designed by committee I think over ten or fifteen years ago. There are just too many loop-holes in it. That is something that may fall under the property maintenance ordinance, but when you have violations such as automobiles, and signs, and these come up on Art's report a lot, they are very mobile and you can go out and talk to a property owner in the afternoon, and yes, yes, we'll take care of it, and they may move it that day, but you hear over the weekend it's parked back out in the right of way, or the sign is out. That is much more difficult and the process of using zoning on that sometime really isn't applicable so maybe a property maintenance ordinance might help. The other partner in this is the Connecticut Central Health District. They have quite a bit of authority because they can enforce the noise ordinance, such as that is, you have to prove someone is violating it before you can enforce the noise ordinance, they can go after litter, varmints, nuisance type things. The other partner that we have in this is the Fire Marshal which is the quickest way to get compliance because Art and Chris Schroeder work together closely, particularly when we have issues of auto related uses, buildings being used for storage, issues of safety, is where the Fire Marshal can help out a lot, so we have to use everything we have. If the Commission wants Art to explain, what we can do is, we have the citation ordinance in Newington, which we adopted five or six years ago, which is a process which is faster than the cease and desist process. The cease and desist process basically requires Art to put a case together and give it to Superior Court, whereas the citation ordinance has a different track we can follow and the property owner or

the business, the alleged violator has the opportunity to come before a local hearing officer. I think what Art does, and does it well, a lot of times you try to intercept these things and get compliance before we end up in court, we have to get the Town Attorney involved, or before we have to call in a local hearing officer. Hearing officers that we have used, we haven't used them that much, work very well. They happen quickly, so those are the tools that we have and if you need more explanation of how those tools work, you ask what could be better, I think we need broader tools that go beyond some of the traditional zoning compliance issues. Is the building over the setback line, is it permitted in the zone, those are pretty obvious. We see mostly nuisance situations. People just, sometimes just don't know how to take care of their property, or they are scofflaws and they know they aren't supposed to do it, but they put the sign out anyway, or they'll put the car out in the right of way, and put a for sale sign on it, and those are frustrating, but that is the deal we've got.

Chairman Pruet: I'm curious, how many, what is your schedule, how often do you go out and do a general observation?

Art Hanke: Well, we go out on a daily basis. A lot of them, as Ed said, some of them are resolved simply by just talking to the people, if they are parking in the right of way, some of them can be sight line issues, but I think Ed is right in the sense that one has to make a distinction between a zoning issue, a land use issue, a blight issue or a nuisance issue, or something of that nature, because if you are going to do that, then you can craft a tool to deal with it, and what I mean by that is if you have a property maintenance code, then it's going to deal with things as Ed pointed out, dealing with peeling paint, lawns, etc., etc., and junk on site. By the same token, you only have a fragmented system now, and the reason that the system is fragmented is because there are so many jurisdictions that overlap it, nobody has a clear legal path. In other words, if you are dealing with something that may have a fire implication, then you can utilize the fire code. If you are dealing with something, i.e., on a restaurant or a sanitary condition, then you can utilize the health officer, but some of these won't fall into the categories very simply. So that's why, you know, the discussion about the property maintenance code much more focuses on the esthetics of it, the way the building is kept up. That is what the focus is supposed to be.

Ed Meehan: What is going to be key in that property maintenance code is how it is enforced. The responsibility to enforce it, who gets that assignment, and what backing they get to make it happen. We know in West Hartford I believe the Police Department has a role in some way in that, they have a presence, so if it's not an officer, a deputized officer, a sworn officer, who initiates the process, it's somebody in West Hartford's code office who starts it off, but who many times is accompanied by an officer or goes out, the officer goes out by themselves to the property and serves the notice, and there is a fine attached to it. Sometimes you deal with people who don't want to hear from a town official. You have to be careful when you go on somebody's property, as to what is going on there, so having the presence of the officer is a good thing to do, if they can spare the time. There are situations that I know Art has been involved with, and we talk about it, if it's a concern for his safety, we call someone from the Police Department. We never know what is going to happen when you knock on somebody's door. So we have to be careful there, but we shouldn't be intimidated if we have a good property maintenance code and the Town Council feels that Newington Police should have a role in it, I think sometimes when you get some repeat offenders with the presence of that process we could sort of cut those short. That would be my hope anyway.

Chairman Pruet: Anyone have questions from Art?

Commissioner Hall: For example, number nine, 44 Dartmouth Place, they had chickens, not that the chickens were so bad, but then they had a rooster, and the rooster was driving the neighborhood nuts. So, on the 12th, they went out, they were given fourteen days to remove. After the 26th of April did anybody go back and see if they are gone?

Art Hanke: Well, what I did was, I did two things. I talked to the people who had the chickens, and I talked to them and explained the regulations why they couldn't have them. I asked them for a commitment, a letter. They committed themselves to two to three weeks. I talked to them today, I followed up on it today, and the deadline was fast approaching, which would have been this weekend sometime. On Friday is when they are supposed to, they have made arrangements that someone will take them, so they are going to take all of them on Friday. Now, that is as per the occupant and the owner. That is what they told me and that's the way that I handled that because I was hoping that they would commit themselves, which they did, and I have it in written form, and so now if they remove them on Friday then I think everybody will be satisfied.

Commissioner Hall: And if they don't?

Art Hanke: If they don't then we have to go through the process. You have to go through a process. You have to force again, coheres, them into complying. That is why it, I took the more, I thought, more expeditious route of getting compliance by getting them to agree, so at least now I have something in writing where they have agreed to it.

Chairman Pruet: Any other questions while we have Art here?

Commissioner Aieta: Art, on the Sam's Club thing, was that something that you picked up on by just driving around?

Art Hanke: No.

Commissioner Aieta: Or did you get a complaint?

Art Hanke: No, I didn't pick up on that, I got a complaint.

Commissioner Aieta: You got a complaint that it was already happening?

Art Hanke: Yeah, if that is the shrubs that you are talking about, the outside display. I got a complaint basically saying how come they have an outside display? I went down, spoke, confirmed the fact that they did have it, and went to see the manager and explained to him the regulations.

Commissioner Aieta: So he is complying by coming into the Zoning Commission. We have other, the Lowe's property, and I know that you have been there probably a thousand times talking to the manager there, they have a worse condition than Sam's Club could ever have. I mean, they have stock piles of products out in the parking lot, taking up parking spaces, they have the storage of their sale merchandise in parking places, they have merchandise on the sidewalk forcing the patrons to walk in the right of way, the traffic lanes to get in and out of the store, and their problem is a lot bigger than Sam's. I know that is in the past, this is something that has been going on for years and they make commitments to do stuff, and they don't do it.

Art Hanke: I can remember a couple of incidents when they were changing from one seasonal thing to another where I did get some commitments from them. It was especially on the easterly side where they have their seasonal garden shop, stuff like that. They were overflowing at one time.

Commissioner Aieta: Yeah, that's the west side.

Art Hanke: I'm sorry, yeah, you're right, I stand corrected, but I talked to the manager, in fact I went and talked to both the manager and his boss, I happened to catch them there that day, and they asked if they could just have a few more days to restage it. And so, I agreed to that, and they did restage it. They move products around from time to time depending on the seasonal needs that they have in their sales. Now, I can't, as far as the front of the store, that may or may not be an egress issue for the Fire Marshal, because if there is merchandise piled up in front of the means of egress, then I would get the Fire Marshal involved, but there is another issue here to, it's mobile. Some of this stuff is mobile, and you might go there one day and you would see it, and the next day you don't. But I think I know what you are referring to, if you are referring to the tractors out front, because I noticed.....

Commissioner Aieta: Well, that and recently they brought in probably fifteen or twenty tractor trailer loads of mulch and stone and bagged material that is palletized and it's taking up the whole west side of that building. If that is their plan, then maybe they should come back to this Commission with the site plan. If they have too much parking maybe we could look at it and designate areas for this. Maybe it shouldn't be there, maybe it should be in back of the building, but they are not complying at all, I mean, they are putting merchandise in parking places. If this site is over, has too many parking places and they can afford to eliminate these, then we should have that on the site plan so we have some control over what they are doing, because it is spewed all over. I'm telling you, you go out there now, there is a massive amount of material outside at the garden center that are taking up parking places.

Art Hanke: I'll take a look at it tomorrow. I wouldn't doubt that you are totally correct, because this time of year is when they get the bulk of their supplies to meet their needs. It's almost like a Christmas sale.

Commissioner Aieta: But maybe that area could be designated for that type of stuff, we could get them to move the trailers from the front of the store to that area also, you could sort of contain where they are going to have their outside storage. Maybe they could fence it, maybe they could do something else, but they would have to come into the Commission and just what Sam's is doing, coming in so we have a shot at them to try to get it cleaned up.

Ed Meehan: There is a provision in the Zoning Regulations for that outside display. I think Lowe's has been before this Commission several years ago, it was over an enforcement issue, I don't believe that they actually came in, as you are talking about, Frank and saying, here's on the site plan where we have a need during certain seasons for storage of products, but that is what that westerly side was designed for. That's why they put concrete in there, rather than bituminous. I'll go back to the files, I'll check the field situation, I'll go back to the files with the issue, one of the issues, they used to have all of their little huts in the front, across the whole front, and then they moved them to the far east side, on the edge of the lawn, and then the last issue we had with them was some sort of, it wasn't the trailers in the parking lot, it goes back before them, they had some sort of a whole outside playscape or something. That's what pushed the button I think at that time, so I'll go back through the files.

Commissioner Aieta: The point that I'm trying to get at is the consistency of the enforcement too, Art. I mean, you are looking at Sam's, and, where they are forced to come in, and then

other big box stores see the condition of the Lowe's property, and they say, well, if they are doing it, then we can do it. You've got the situation at Stew Leonard's where they have a tremendous amount of outside activities going on there that wasn't part of the site plan, and there is stuff there that is going on that is not approved by the Commission I'm sure.

Ed Meehan: It did get approved for the stuff on the east side where that tent is.....

Commissioner Pane: And there are signs all over the place, a lot of A-frame signs and all of the banners.

Art Hanke: There was a discussion about that the other day with them.

Ed Meehan: But you are right, one sees, the other does, and it does mushroom and you try to have a level playing field. That's an example of why Sam's is here.

Commissioner Pane: This is why some small businesses you know, we get calls from guys like maybe Dunkin Donuts or other smaller guys, Newington Hardware, a guy at Newington Hardware puts a small A-frame sign, but they see the big box stores do it and they say, this isn't fair. Doogie's was here talking about it. They wanted a change in the sign regulations because they were upset. The consistency is.....

Art Hanke: I think there is consistency because I pretty much go and do everybody at one time or another. Now, the hardware store that you mentioned, that's only part of what that sign situation was. That sign was in the right of way, and that became a sight line issue, and I'm particularly sensitive to sight line issues because they involve safety.

Commissioner Pane: Oh, I agree, but when you were down at Sam's, there's, I guess you didn't drive around Stew Leonard's.

Art Hanke: No, I did and I talked to Mr....two other people at Stew Leonard's who were also asking about, they were asking about putting out more outside display, and I had a conversation with Bob Hurbst, and one other gentleman, who was going to do it, they wanted to do a similar thing to Sam's Club. So I said to them, you have your garden center, but you are welcome to come to the Commission and go ahead and propose another display area if you can get it approved, and they are evaluating that. You may yet see them, and while I was there I also discussed the fact that I noticed that, you all have a lot of banners and how did they get there? So, I suggested to them the wisdom of removing them. That's the way I left it. Now, that doesn't mean that that is going to be the end of it? That means, if you don't get my drift, you will get it sooner or later.

Chairman Pruet: Any other questions for Art while we have him here?

Ed Meehan: What is the Commission's sense, or direction on, you know, working with businesses. We sort of walk a fine line as staff whether it is a small business or a big business, particularly, I'm not using the economy as an excuse, but you know, why are you doing this to us, you know, we're having a hard time getting people to come in and trade with us, they don't know we're here, it's a little A-frame, or why can't we do that, why can't we store this here, it doesn't cause a problem. To some extent, we try to work with them, give us a letter to say that you are going to take care of the problem, we're not going to issue a citation, we're not going to go with a cease and desist, we're not going to call the Town Attorney on you, and we can, sometimes we get to the point where we can impose a daily fine. We had one situation where a new business owner in town, he put a lot of signs out, Art cited him, he was racking up a fine and so the guy said, are you going to fine me? So, I have

it on my desk, and I was going to write the guy a little note saying, understand that you are a new business, welcome to Newington, these are the rules. So we will waive the fine, it was \$150.00 or something like that, but that is the line that we walk sometimes.

Commissioner Pane: We don't want to see people get fined, to be honest with you, at least I don't want to see people get fined. I'd like to see Art continue to do it as best he can, trying to.....

Ed Meehan: The diplomacy route first.

Commissioner Pane: Absolutely, absolutely. I don't want to see any businesses take any extra expenses and then if he has a difficult time with three or four of them, then maybe he should come to the Commission so that we know what it is, and then we can come up with a plan if there is a problem with a couple of them, but his method of trying to solve it diplomatically first is excellent, and I think you are doing a good job, Art, and I think all we want to see is as much consistency, maybe, Doogie's brought this up, they kind of wanted us, the Commission, to look at signage.

Ed Meehan: They wanted to loosen up signage.

Commissioner Pane: They wanted us to look at it and loosen it up a little bit. Maybe this, this is just throwing this out, maybe the A-frame signs, if they are out there, they have to be returned at the end of the day, they have to be brought in or something. I'm not sure, but maybe this Commission needs to look at the signage to help small businesses and have it uniform for small and large businesses. Maybe that is what we need to do, because it can be a difficult problem.

Ed Meehan: The twenty days a year is probably not enough. It's pretty open ended, I mean, they could have a gorilla out there for twenty days, balloons, we don't say what it is limited to, but I would think, one thing to think about, if you are going to give them additional days, you might want to be more specific on how they do their marketing, on the building, it can't be off site, it can't be in the state right of way, it can't block sight lines, those type of restrictions. On the flip side, give them some additional days to advertise. It's really hard when someone comes in and they put down dates, May 1st to May 20th. Well, you have to keep track of them, thirteen, fourteen, fifteen businesses and believe me, we had a situation over on Fenn Road, if somebody is getting away with it, the guy across the street will let you know. We used to go around and just pick up all these ground signs, throw them in the trunk of the car and they would end up at the Town Garage. You know, they are like daffodils popping up some time, but that gets the message across. That is an economic hardship on the business though, they spend money to have all those signs printed up and then they end up over at the town land fill.

Chairman Pruet: That is something, like I said before, we want to look at our regulations, that is something definitely that we are going to take a look at once we get this 2010 Plan out of the way. We will have a subcommittee and everybody involved to look at this as we did the ten year plan and maybe make some modifications with everybody's input.

Commissioner Pane: Mr. Chairman, maybe Art might have some suggestions on the signs, since he is very familiar with it, of things that would, things that we could improve on, that would help the businesses, but won't be too demanding on our enforcement, so maybe he could think about that and we could have him present when we review signage.

Chairman Pruet: You could start making a tickler file Art, when you think of something, put it in a tickler file and down the road, when we look at that, maybe you could give us some suggestions and input.

Art Hanke: One thing on signage, I don't want to interrupt you, but it is, as Ed said, it is a hot button issue because everybody knows the way that the economy is today and they are trying to fight for a market share. The question is though, for the Commission, when they review it, is to decide in their minds, what level they are willing to tolerate. We have a fairly tight level right now. Now, if you go to other cities, if you go to another city.....

Commissioner Aieta: Go to Glastonbury and see what their signage is....

Art Hanke: Or go to Bristol and go out on Farmington Avenue and you are going to see a proliferation of signs and this, the Commission really has to decide, where is the tolerance level, what are we going to do? Then, you can craft an ordinance that will reflect that. Now, sometimes you could give them leeway in the sense that you could allow them, like just to throw out an idea, you could allow them two weekends a month to advertise or two weeks a month, you know, depending on, or once a month, but you could regiment it to a point. But again, you have to be comfortable with the level and then, as Ed said, are you going to restrict it to A-frames, are you going to restrict it to banners on the building, are you going to restrict it to utilizing things like light poles or advertising? See, that is the real crux of it. Once you get the regulation down, then you can enforce it on that basis, but right now, it's pretty tight. Twenty days a year, and that's it. So, if you have more than a couple of sales, you have a problem. As we know, everything is on sale!

Commissioner Lenares: I just want to agree with what Art had said in terms of, it does get a little hairy when you approach the business owner and they ask why I can't have it out here in tough economic times. I applaud the Planner for asking the Commissioners of this board on how far they should go to enforce these kinds of things, and I've dealt with Art in the past, and I'd have to say one thing he excels at is being pro-business. He's not out there trying to enforce these fines, regulations, to shut businesses down. He's there to keep them in business, promote their business, but just abide by the rules that we set forth. He does a great job of that, and I understand that it's, there are so many of them out there to try to keep under control, it's hard, but when Ed said, how far do you go in that gray area, and walking the line, that's hard. I agree that there is a lot of work to do in terms of the ordinances and the regulations but that's something I think we should take a look at. I applaud the job you guys do on a daily basis.

Commissioner Pane: Art, everyone one of these that has a complaint, does that mean, what I'm getting at is, if one was generated through your drive though, would you dictate that it wasn't a complaint and would you say, found from staff, or, you know what I mean? Let's say one and two were a complaint, but three you happened to drive by, can you differentiate?

Chairman Pruet: Maybe annotate it as a observation or a complaint.

Art Hanke: Or an inquiry. I can do that.

Ed Meehan: Yeah, it's a generic term right now. You don't know whether it came from a neighbor, or a competitor, or called in.

Commissioner Pane: And I'm not concerned about it, because it is not our business who the complaint came from or anything like that, it's not our right to know that, but I just want to know if they were generated from a complaint or you happened to drive though, or maybe

staff did, or whatever, and I want to thank you for coming tonight. You presented some insight on a lot of things here and I thank you very much.

Commissioner Anest: I have one quick question. Going back to the chickens, it said complaint date, 4/12, and then you said review regulations and agreed to remove chickens within two weeks. So, for us looking at this, I would assume that the two weeks was from the 12th. There is no date of when you contacted, or when you went out to make contact with him.

Art Hanke: You know why that is, I'll explain to you. That's the initial contact date. To try to talk to people, in this case, I had to chase the fellow down. I went there maybe four or five times, and I finally caught him, because I wanted to this, if I could, face to face rather than do it though mail and stuff like that because it would just take longer, so that's why, that was the initial contact date, and that's why you got that date, instead of when I finally caught up with him, maybe a week after that and got the commitment out of him. Well, in fact, the commitment actually took, I got it verbally, and then it took another week for me to get the letter, so this is the process sometime.

Ed Meehan: So you would like a second date here....

Commissioner Anest: Like a contact date or.....

Ed Meehan: Action, inspection date?

Commissioner Anest: Yeah, just so we know, you know, within two weeks, well it kind of went beyond the two weeks already, and then do you go, like where it says, 190 Fenn Road, and it says violation remains, and that date was 4/26, knowing that it is remaining, how often do you go back to check or how long do you give them to respond to a violation notice?

Art Hanke: Well, usually what I will do is I will check it after ten days. That's the norm, because by then the certified letter went out, and we should have the receipt, so that should have been ample opportunity to correct it.

Ed Meehan: Some times sites will be inspected within seventy-two hours. The certified letter process starts the formal citation process, so if you can intercept that early on, the first twenty-four, seventy-two hours, sometimes you have to educate these people, you can't do it. This particular one, they should know better. They have been on there before.

Chairman Pruet: I too want to, I have observed Art in action on numerous occasions, and I give you high marks, Art, you do a good job out there, a very good job and we're lucky to have a guy like you protecting our interests. I appreciate you coming tonight, you have been very helpful and very informative, and thank you very much.

Commissioner Schatz: One thing, Art wears many hats, which we are here talking about enforcement, he's a real trouble shooter, and I'll give you an example. A gal had her roof half on, the gentleman took off with the money, the contractor that was there, I called Art, he went through the legal side with me, I called her, she took care of that. He also got the inspector out there before it got buttoned up, and everything went fine, so that is something that doesn't show up on paper, but I know, she said to me, when you see Art, say thank you.

Art Hanke: Thank you.

XI. ADJOURNMENT

Commissioner Pane moved to adjourn the meeting, seconded by Commissioner Schatz. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary